

REMARKS

Applicant acknowledges receipt of, and extends thanks for, the Examiner's consideration of this Application provided in the Notice of Allowance dated November 1, 2010. In response thereto, this Amendment and accompanying remarks are submitted under 37 C.F.R. 1.312. The changes made are consistent with the telephonic communication between Applicant's Representative and Examiner Eastwood held on December 3, 2010. As explained during this telephonic interview, a close proofreading of the claims revealed a minor inconsistency whereby the recitation of "said slot" in claim 39 would inadvertently presently apparently lack antecedent basis based on a typing error, given that claim 31 recites "a slot" whereas claim 36 upon which claim 39 depends refers back to claim 26 rather than to claim 31. The inadvertent typing error in claim 39 omitted the inclusion of the line of text found in claim 31, within the body of claim 39, as evident by the fact that changing the dependency of claim 39 to depend on claim 31 would impermissibly duplicate claim 33. Accordingly, the evident correction to this typing error is made by inserting the line of text found in claim 31 as a first clause of claim 39 to give proper antecedent to recitation of "said slot" within claim 39. This correction requires no further substantive consideration or search, and does not in any way affect the reasons for allowance of independent claims 26, 47, and 48 previously made of record in this Application. By this amendment, the Application papers may be processed more efficiently to issue and printing without informalities. No other changes to the Claims are made.

Applicant's Comments on Statement of Reasons for Allowance

With regards to the Examiner's Reasons for Allowance included with the Notice of Allowance and Issue Fee due dated November 1, 2010, Applicant further comments that detailed remarks advancing the reasons for allowability of the claims were elaborated by Applicant in several responses and within arguments filed in an appeal brief. As indicated in MPEP sec. 1302.14, an Examiner's statement of reasons for allowance is a personal opinion of the Examiner as to why the claims are allowable. The Examiner's statement should not create an *estoppel*. Any failure of Applicant to further comment on the Examiner's statement of reasons for allowance should not be treated as an acquiescence to the Examiner's statement (see *Salazar v. Procter & Gamble Co.*, 414 F.3d 1342, 1347, 75 USPQ2d 1369, 1373 (Fed. Cir. 2005)). It is further pointed out in MPEP sec. 1302.14 that in most cases, the Examiner's actions and the Applicant's replies make evident the reasons for allowance, satisfying the "record as a whole" proviso of Rule 1.104(c). This is particularly true when Applicant fully complies with 37 CFR 1.111 (b) and (c) and 37 CFR 1.133(b). Thus, where the Examiner's actions clearly point out the reasons for rejection and the Applicant's replies or briefs explicitly present reasons why claims are patentable over the reference, the reasons for allowance are in all probability previously evident from the record and no further statement is necessary.

CONCLUSION

All of Applicant's Claims 26-49 as currently restated with claim 39 amended, remain allowable pursuant to the Notice of Allowance and Issue fee due dated November 1, 2010. Entry of the present facilitating Amendment submitted pursuant to 37 C.F.R. 1.312, and the accompanying remarks into the record is respectfully requested to better prepare this Application for issuance. The present Amendment is submitted prior to payment of the issue fee. No extension of time fees or other fees are believed due or necessary to accompany this response to the November 1, 2010 Notice of Allowance. In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 11-0223).

If the Examiner believes that further telephonic conversation may further facilitate the processing of the present application, it is requested that the Examiner telephone Applicant's representative at (732)634-7634 so that appropriate resolution may be reached as expeditiously as possible.

Respectfully submitted,

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s/Matthew B. Dernier/
Matthew B. Dernier, Reg. No. 40989
Gibson & Dernier L.L.P.
900 Route 9 North
Suite 504
Woodbridge, NJ 07095
Tel. (732) 634-7634
Attorneys for Applicant